

Jun 12, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

THE BANK OF NEW YORK  
MELLON, F/K/A THE BANK OF  
NEW YORK, AS SUCCESSOR-IN-  
INTEREST TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE FOR  
STRUCTURED ASSET  
MORTGAGE INVESTMENTS II  
INC., BEAR STEARNS ALT-A  
TRUST, MORTGAGE PASS-  
THROUGH CERTIFICATES,  
SERIES 2005-10,

Plaintiff,

v.

SUSAN M. TOMBARELLI;  
OCCUPANTS OF THE SUBJECT  
REAL PROPERTY; ALL OTHER  
UNKNOWN PERSONS OR PARTIES  
CLAIMING ANY RIGHT, TITLE,  
ESTATE, LIEN, OR INTEREST IN  
THE REAL ESTATE DESCRIBED IN  
THE COMPLAINT HEREIN,

Defendants.

No. 2:19-cv-00119-SMJ

**ORDER GRANTING MOTION  
FOR REMAND AND CLOSING  
CASE**

Before the Court, without oral argument, is Plaintiff's Motion for Remand to State Court, ECF No. 5. On February 2, 2016, Plaintiff filed suit against Defendants in the Spokane County Superior Court. ECF No. 1-1 at 4. The complaint was served

1 on February 7, 2016. ECF No. 5 at 49–50.

2 Defendants removed to this Court on April 11, 2019. ECF No. 1. Plaintiff  
3 moves to remand, arguing that no basis for subject matter jurisdiction exists and  
4 that removal was untimely. ECF No. 5 at 2–3. Defendants failed to file a response  
5 to the motion. *See* LCivR 7(c)(2)(A)(ii), (e). Accordingly, the Court considered the  
6 motion on the date signed below, in advance of the motion hearing date. Having  
7 reviewed the pleadings and the file in this matter, the Court is fully informed and  
8 grants the motion.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 **1.** Plaintiff’s Motion for Remand to State Court, **ECF No. 5**, is  
11 **GRANTED.**

12 **2.** This case is **REMANDED** to the **Spokane County Superior Court**,  
13 case number 16200437-1.

14 **3.** All parties shall bear their own costs and attorneys’ fees, unless a  
15 subsequent court rules otherwise.

16 **4.** All pending motions are **DENIED AS MOOT.**

17 **5.** All hearings and other deadlines are **STRICKEN.**


18 **6.** The Clerk’s Office is directed to **CLOSE** this file.

19 //

20 //

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 12<sup>th</sup> day of June 2019.

  
SALVADOR MENDOZA, JR.  
United States District Judge